

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA	§	
	§	
V.	§	NO. EP-18-CR-1593-KC
	§	
CIPRIANO SUY-TOJ	§	
	§	

**DEFENDANT’S MOTION TO VACATE PLEA AND SENTENCING SETTING AND TO
TRANSFER CASE TO REGULAR DOCKET**

COMES NOW Defendant CIPRIANO SUY-TOJ, by and through counsel, and respectfully requests the Court to vacate the trial setting in this case and transfer the case to the Court’s regular docket. In support thereof would show as follows:

Mr. Suy-Toj was indicted on June 6, 2018 for illegal re-entry. He intends to offer an affirmative defense at trial based on duress.

On June 13, 2018, the Court set Mr. Suy-Toj for a Plea and Sentencing for July 11, 2018. Mr. Suy-Toj requests that the Court vacate the plea and sentencing setting for July 11, 2018, and place his case and place his case on the regular docket.

Alternatively, Mr. Suy-Toj requests that the Court set his case for trial. For these reasons and in the interests of justice and efficiency, Mr. Suy-Toj respectfully requests that the Court vacate his plea and sentence setting for July 11, 2018.

Respectfully Submitted,

MAUREEN SCOTT FRANCO
Federal Public Defender

/S/

ANDREW STEED
Assistant Federal Public Defender
Western District of Texas
Richard C. White Federal Building
700 E. San Antonio, D-401
El Paso, Texas 79901
(915) 534-6525
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of July, 2018, I electronically filed the foregoing with the Clerk of Courts using the CM/ECF system which will send notification of such filing to the following: AUSA Michael Whyte, Office of the U.S. Attorney, Richard C. White Building, 700 E. San Antonio, Suite 200, El Paso, TX 79901.

/S/

ANDREW STEED
Attorney for Defendant

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA

V.

CIPRIANO SUY-TOJ

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NO. EP-18-CR-01593-KC-1

ORDER

On this day, the Court considered Defendant's Motion to Transfer Case to Regular Docket or, in the Alternative, Set for Trial (ECF No. ____) filed in the above-captioned cause. After considering the Motion, this Court is of the opinion that the Motion should be GRANTED.

____ IT IS HEREBY ORDERED that the plea and sentencing setting for July 11, 2018, is VACATED.

____ IT IS FURTHER ORDERED that above-entitled cause is PLACED on the regular docket.

____ IT IS FURTHER ORDERED that the above-entitled cause is SET for a **JURY SELECTION AND TRIAL** in District Courtroom, on the 5th Floor of the United States Courthouse, 525 Magoffin Ave., El Paso, Texas, on _____, 2018, at _____ a.m./p.m.

SO ORDERED on this the _____ day of July, 2018.

KATHLEEN CARDONE
United States District Judge